

*National Indian Gaming Commission***SETTLEMENT AGREEMENT****SA-07-04****INTRODUCTION**

This Settlement Agreement (Agreement) is entered into by and between the Pawnee Nation of Oklahoma ("the Nation"), a federally-recognized Indian tribe, and the Chairman of the National Indian Gaming Commission ("NIGC Chairman"), relating to the matter contained in the NIGC Chairman's Notice of Violation No. NOV-07-04.

**RECITALS**

1. Whereas, the Indian Gaming Regulatory Act ("IGRA") authorizes the NIGC Chairman to issue civil fines for violations of the IGRA, NIGC regulations, or tribal regulations, ordinances, or resolutions approved by the NIGC Chairman under 25 U.S.C. Sections 2710 and 2712. See 25 U.S.C. § 2713(a)(1).
2. Whereas, under NIGC regulations, 25 C.F.R. § 573.3(a), the Chairman may issue a Notice of Violation ("NOV") to any person for violations of any provision of the IGRA, NIGC regulations, or any provision of a tribal gaming ordinance or resolution approved by the Chairman.
3. Whereas, on July 24, 2007, the NIGC Chairman issued NOV-07-04 for the Nation's failure to submit an independent audit report within 120 days after the end of the gaming operation's fiscal year.
4. Whereas, the Chairman and the Nation desire to achieve an amicable resolution of Notice of Violation No. NOV-07-04.
5. Therefore, the Chairman and the Nation have agreed to execute this Agreement and perform in accordance with the following covenants and conditions:

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**TERMS OF SETTLEMENT**

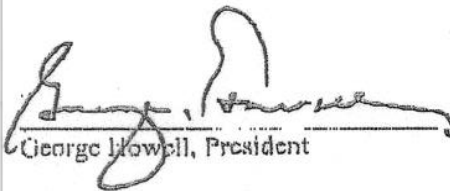
6. This Agreement is entered into pursuant to 25 C.F.R. Section 575.6 (b) and shall be effective upon the date that it is signed by the last party to sign this Agreement ("the Effective Date").
7. The Nation agrees that it was required to submit a timely audit report to the NIGC for Pawnee Trading Post & Casino for the fiscal year ended December 31, 2006.
8. The Nation agrees that it submitted the audit report for Pawnee Trading Post & Casino for the fiscal year ended December 31, 2006, to the NIGC in an untimely fashion.
9. The Nation agrees that the failure to submit an annual independent audit report for its gaming operation in a timely fashion is a violation of IGRA, 25 U.S.C. § 2701 *et seq.*, NIGC regulations, and the Nation's gaming ordinance.
10. The Nation agrees to pay a civil fine of two thousand five hundred dollars (\$2,500), made payable to the U.S. Treasury and delivered to the NIGC. One thousand two-hundred fifty dollars (\$1,250) of the fine shall be due within thirty (30) days after the Effective Date. The remaining one thousand two-hundred fifty dollars (\$1,250) will be suspended pending the timely submission of the independent audit reports for the Pawnee Trading Post & Casino for the fiscal year ending December 31, 2007. The audit report submission will be considered timely if received before April 30, 2008. Upon timely submission of the audit report for the Pawnee Trading Post & Casino for fiscal years 2007, the NIGC Chairman will forgive the suspended one thousand two-hundred fifty dollar (\$1,250) fine. If the Nation fails to submit the audit report in a timely manner, the remaining one thousand two-hundred fifty dollars (\$1,250) of the fine will be due on or before May 30, 2008.
11. By entering this Agreement, the NIGC Chairman agrees to waive his right to impose any additional civil fine or a closure order against the Nation for the matters addressed in NOV-07-04, unless the Nation fails to comply with this Agreement. If the Nation fails to comply with this Agreement, the NIGC Chairman reserves the right to issue another NOV, additional civil fines, and/or a closure order to resolve the Nation's initial violation and/or breach of this Agreement.
12. The Nation agrees upon execution of this Agreement to waive the right to further review of matters addressed in this Agreement, including all rights to appeal to

the full Commission as set forth in 25 C.F.R. Sections 577 *et seq.* and judicial review pursuant to 25 U.S.C. Section 2714.

#### ADDITIONAL COVENANTS

13. This Agreement constitutes the entire agreement between the NIGC Chairman and the Nation relating to the enforcement matter set forth in NOV 07-04. Any modification or waiver of any term of this Agreement must be in writing and signed by both parties.
14. The Nation stipulates that this Agreement shall be deemed to be the subject of a final order of the NIGC under 25 C.F.R. § 575.4(c)(1) and a final agency action pursuant to 25 C.F.R. § 577.9(d).
15. The NIGC Chairman and the Nation expressly agree and acknowledge that time is of the essence in this Agreement. The recitals herein shall be binding upon the parties, their agents, heirs, personal representatives, successors and assigns.
16. The parties agree that after the Effective Date, this Agreement shall be a public document and may be published or disclosed by either party.
17. This Agreement may be executed on one or more counterparts and each shall constitute an original. A signature produced by facsimile shall be deemed to be an original signature and shall be effective and binding for purpose of the Agreement.

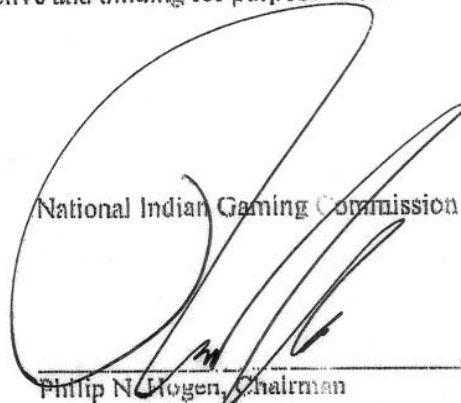
Pawnee Nation of Oklahoma



George Howell, President

Date: 8-22-07

National Indian Gaming Commission



Philip N. Hogen, Chairman

Date: 8/23/07



# Pawnee Nation of Oklahoma

Resolution #07-39  
August 22, 2007

## RESOLUTION

**WHEREAS,** the Pawnee Business Council is the supreme governing body of the Pawnee Nation and is authorized to conduct business on behalf of the Pawnee Nation in accordance with Article IV, Sections 1 and 2 of the Pawnee Nation Constitution; and

**WHEREAS,** the Pawnee Business Council met in a regular session on August 22, 2007, at the Pawnee Nation Administration Building (#64) Conference Room, duly authorized, with a quorum present; and

**WHEREAS,** the Pawnee Nation received Settlement Agreement SA-07-04 from the National Indian Gaming Commission regarding Notice Of Violation-07-04 for failure to submit an independent audit report within 120 days after the end of the gaming operation's fiscal year.

**WHEREAS,** the Chairman of the NIGC and the Pawnee Nation desire to achieve an amicable resolution of Notice of Violation No. NOV-07-04, and

**WHEREAS,** the Chairman of the NIGC and the Pawnee Nation have agreed to execute this Agreement and perform in accordance with the covenants and conditions stated in the Terms of the Settlement, items 6 - 17. The fine imposed is \$2,500, with \$1,250 due within 30 days after the effective date, with the remaining \$1,250 will be suspended pending the timely submission of the independent audit reports for the Pawnee Trading Post & Casino for the year ending December 31, 2007. (See attached Settlement Agreement

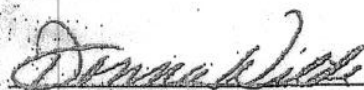
**NOW THEREFORE, BE IT RESOLVED,** the Pawnee Business Council does hereby approve and authorize President George E. Howell to sign the Settlement Agreement as of this date, August 22, 2007.

## CERTIFICATION

I, Donna Wilde, Secretary of the Pawnee Business Council, certify that a regular meeting of the Pawnee Business Council was held on the 22nd day of August, 2007, and that the Pawnee Business Council is composed of eight members, of whom 8 were present, comprising a quorum; and that the foregoing Resolution was duly adopted by a vote of 7 for, 0 against, 0 abstaining, 0 absent and 1 not voting

*Signed this 22nd day of August 2007*

**ATTEST:**

  
Donna Wilde, Secretary  
Pawnee Business Council

  
George E. Howell, President  
Pawnee Business Council